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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,881	06/20/2000	Robert Rademacher	74577-051	5018

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PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK, NY 10036-8299

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/597,881

Applicant(s)

RADEMACHER ET AL.

Examiner

Frantzy Poinvil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,15,16,18,19,22-26,31,35-40,43,45-49 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 15-16, 18-19, 22-26, 31, 35-40, 43, 45-49 and 51-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 35 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a class asserted utility or a well established utility.

Claim 35 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a class asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim 35 is not directed to a statutory class of invention. A signal is not a statutory class of invention.

Claim Rejections - 35 USC § 112

2. Claims 1, 3, 4, 15-16, 18-19, 22-26, 31, 35-40, 43-49 and 51-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 11, "an" should be changed to - -said- - so as to be referred to the previously recited "aggregate net exposure".

As per claim 24, line 14, "an" should be changed to - -said" so as to be referred to the previously recited "aggregate net exposure. On line 18, "the predetermined tolerance" lacks clear antecedent basis.

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As per claim 25, line 11, "an" before "aggregate net exposure" should be changed to - -said- - so as to be referred to the previously recited "aggregate net exposure" so as to avoid lack of antecedent basis deficiency.

As per claim 31, line 15, "an" should be changed to - -said- -. Also, on line 31, "a" should be deleted to avoid lack of antecedent basis deficiency.

As per claim 35, line 12, "an" should be changed to - -said- - so as to be referred to the previously recited "aggregate net exposure" recited on line 7.

As per claim 38, line 10, "an" should be changed to - -said- - so as to be referred to the previously recited "aggregate net exposure" recited on line 6.

As per claim 39, line 17, "an" should be changed to - -said- - so as to be referred to the previously recited "aggregate net exposure" recited on line 4.

As per claim 40, line 12, it is unclear as to which "aggregate exposure" is being referred to.

Claims not directly addressed are rejected based on their dependency.

Claim Objections

3. Claims 38 and 39 are objected to because of the following informalities:

As per claim 38, line 13, "managing" should be changed to - -manage- - for grammatical purpose.

As per claim 39, lines 1-2, "so as to provide" should be changed to - -for providing- - in order to avoid intended use problem and also for grammatical purpose.

Appropriate correction is required.

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Allowable Subject Matter

4. Claims 1, 3-4, 15-16, 18-19, 22-26, 31, 35-40, 43, 45-49 and 51-53 are allowable over the art of record.

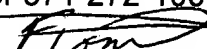
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frantzy Poinvil
Primary Examiner
Art Unit 3692

September 10, 2007